

## **MINORITY REPORT ON ARTICLE 26 (500 – 502 Sunderland Road Rezoning)**

I was one of two Planning Board members to vote against recommendation of this article to Town Meeting. I would like Town Meeting members to have the opportunity to examine the concerns that I and many other individuals and boards have expressed regarding this proposed rezoning. I hope that after careful consideration they will join me in voting “no” on this article.

The primary justification for this rezoning is that historic and current development trends indicate that this area is an “emerging ‘village center.’” But to advance such an argument is at best disingenuous. The historic village center ½ mile to the north at the corner of Plumtree Road and Route 116 is an artifact from the era of unpaved roads and horses and wagons, a time when transportation conditions naturally drew residents to such an area. But current transportation methods do quite the opposite: instead of being a destination, this crossroads now barely merits a glance as people pass through on their way to other destinations. Indeed, among the many reasons for the denial of the comprehensive permit for the Sugarbush Meadows 150-unit development proposed for Plumtree Road were serious concerns about greatly increased traffic passing through an already problematic intersection.

In Amherst’s new Master Plan, there is frequent emphasis on the concept of “walkability” – the ability to get to one’s destination without reliance on the automobile. There is also frequent mention of the importance of enhancing areas of town that currently offer what residents need and can reach by their own footpower: “Create vibrant downtown and village centers (areas of mixed use, including retail, commercial, and residential elements) that are walkable, attractive and efficient” (Master Plan Goals & Policies). While it is true that the Master Plan does not preclude the development of new village centers, it seems unwise to attempt to create one in an area that so clearly lacks the features we would expect and that further has features that simply do not belong in a village center. Route 116 is a 55-mph state highway that sees an ever-increasing volume of commuter and other high-speed traffic. Even on stretches with dense residential development, such as the area of Cliffside Apartments and Squire Village in Sunderland, traffic continues to present a significant danger to pedestrians. If the Sugarbush Meadows project were to be built, pedestrian safety would be further compromised.

A true village center should embody the concept of “walkability,” something that the area to be rezoned does not do. Aside from the obvious danger posed by high-speed traffic, there are no sidewalks in this area, and most of the businesses which residents might walk to are on the other side of the highway. And it is also important that such businesses provide services that residents *need*. Current businesses on both the Amherst and Sunderland sides do little to sustain the argument that this is an emerging village center. While a restaurant, gymnasium, and convenience store could arguably be destinations for foot traffic, it is much harder to see how a laboratory, hatchery office, trucking company, or nursery could be. The current low density of residences in the area likely provides little support to these businesses, and even if the Sugarbush Meadows project were to be

built, any pedestrians coming from that complex would still contend with the unsafe road conditions already mentioned.

When seen in the context of a village center, the future plan for the 500 – 502 Sunderland Road parcels presents more difficulties. The owner has proposed a mix of residences (over-55 condominiums), first-floor office space, and a continuation of aquaculture activities with the ponds. But while such a plan appears to fit nicely into the Master Plan's parameters for village centers, its implementation may not yield such a result. The reason given to redevelop this property in this particular way was that it would provide tax revenue for the town and would not draw heavily on town services. This is a commendable goal. However, no definitive plans have yet been presented to any board, and the Planning Board's Report to Town Meeting appears to back away from the idea of offices. Further, while the marketing tool of over-55 condominiums has been embraced by many developers, its success has been mixed, as demonstrated by the experience of Veridian Village. And while the idea of retaining aquaculture on this site is a very attractive one, its feasibility may be otherwise, and the property owner has indicated that even though he would like such activities to continue, he cannot guarantee that they will.

Under the current zoning, the owner can subdivide his property by right into eight single-family lots. This scenario – versus the more compact development possibilities offered by the proposed rezoning – motivated at least one Planning Board member to vote in favor of recommending this article. Yet this too is a much more complex issue than it might seem, for what zoning allows and what the realities of the land dictate may be quite different. Even if there is enough buildable upland on these lots, the question of how wells and septic systems can be accommodated remains to be resolved (there is no public water or sewer on or near this property).

It has taken several paragraphs to detail why this rezoning is ill-advised. However, the Agricultural Commission needed barely two to state the obvious: "We see Mr. Bergstrom's proposal for residential development in the middle of a wetland as an inappropriate, problematic use of this resource." We are now in a time and place where property uses have significant physical and economic effects on an ever-widening population circle. The Agricultural Commission speaks of the "Highest Best Use" principle, and it is one we should seriously consider. Economic development, land and resource conservation, and locally-raised food products have increasingly become the subject of town conversations. The Commission's description of this property as a "unique agricultural asset" should prompt us to re-examine how its use or reuse can respond to these important local concerns. At the same time, however, we should be respectful of the property owner's desire and right to benefit from his land. Mr. Bergstrom says that he has been unable to market the land successfully as an aquaculture operation. I would argue that this is a perfect opportunity for the town to test its commitment to responsible economic development. With the town's expertise and support, it is quite possible that this property can be returned to its Highest Best Use, thus benefiting both the town and the property owner.

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